

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

---

THE ESTATE OF YARON UNGAR, et al., )  
Plaintiffs, )  
v. ) C.A. No. 00-105L  
THE PALESTINIAN AUTHORITY, et al., )  
Defendants. )  
\_\_\_\_\_  
)

**DEFENDANTS' MOTION TO EXCLUDE EVIDENCE NOT DISCLOSED OR  
PRODUCED BY PLAINTIFFS DURING THE DISCOVERY PERIOD**

Defendants The Palestinian Authority (“PA”) and The Palestine Liberation Organization (“PLO,” collectively “Defendants”), through counsel, respectfully move this Court pursuant to Federal Rule of Civil Procedure (“Rule”) 37(c)(1) and (d) to exclude from evidence at the forthcoming January 18, 2011 evidentiary hearing all information, documents and testimony that Plaintiffs failed to timely disclose or produce, either in documentary or deposition form, during the pre-hearing discovery period.

Defendants rely on the reasons set forth in the accompanying Memorandum in support.

**FEDERAL RULE OF CIVIL PROCEDURE 26(c)(1) CERTIFICATION**

Counsel for Defendants hereby certify that, as required by Fed. R. Civ. P. 26(c)(1), they have conferred with all parties or non-parties who may be affected by the relief sought in the Motion in a good faith effort to resolve the issues raised in the Motion and have been unable to do so.

Respectfully submitted,

Dated: November 29, 2010

/s/ Mark J. Rochon  
Mark J. Rochon (D.C. Bar #376042)  
Admitted *pro hac vice*  
Richard A. Hibey (D.C. Bar #74823)  
Admitted *pro hac vice*  
Brian A. Hill (D.C. Bar #456086)  
Admitted *pro hac vice*  
MILLER & CHEVALIER CHARTERED  
655 Fifteenth Street, N.W., Suite 900  
Washington, DC 20005-5701  
Tel. (202) 626-5800  
Fax. (202) 628-0858  
[mrochon@milchev.com](mailto:mrochon@milchev.com)  
[rhibey@milchev.com](mailto:rhibey@milchev.com)  
[bhill@milchev.com](mailto:bhill@milchev.com)

Deming E. Sherman (#1138)  
EDWARDS ANGELL PALMER  
& DODGE LLP  
2800 Financial Plaza  
Providence, Rhode Island 02903  
Tel. (401) 274-9200  
Fax. (401) 276-6611  
[dsherman@eapdlaw.com](mailto:dsherman@eapdlaw.com)

*Attorneys for the Palestinian Authority and  
the Palestine Liberation Organization*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on this 29th day of November 2010, a true and genuine copy of the foregoing was filed by ECF, which will automatically send notification and a copy of such filing to counsel of record for all parties.

/s/ Mark J. Rochon